



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Bob Wieckowski, Vice Mayor  
Anu Natarajan  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Annabell Holland, Interim Assistant City  
Manager/Parks & Recreation Director  
  
Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Mary Kaye Fisher, Interim Human Resources Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Lori Taylor, Economic Development Director  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**SEPTEMBER 28, 2010**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting and Special Meeting of  
September 14, 2010*
- 2.3 *Second Reading and Adoption of an Ordinance of the City Council of the City of  
Fremont Adopting an Amendment to the Consolidated Amended and Restated  
Redevelopment Plan for the Fremont Merged Redevelopment Project (Including  
Irvington, Niles, Centerville, and Industrial Areas) Pursuant to Health and Safety  
Code Section 33333.6(e)(2)(D), and Amending Related Ordinances in  
Connection Therewith*

*RECOMMENDATION: Adopt ordinance.*

- 2.4 *RESOLUTION OF LOCAL SUPPORT FOR FEDERAL GRANT FUNDING FOR  
THE 2011 CITYWIDE ASPHALT OVERLAY PROJECT  
Authorize a Resolution of Local Support for Application to the Metropolitan  
Transportation Commission for Federal Surface Transportation Program/Congestion  
Mitigation and Air Quality Improvement (STP/CMQ) Funding for the 2011 Citywide  
Asphalt Overlay Project, City Project No. PWC (8234-L)*

*Contact Person:*

<i>Name:</i>	<i>Connie Wong</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Senior Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4782</i>	<i>510-474-4748</i>
<i>E-Mail:</i>	<i>cwong@fremont.gov</i>	<i>nhughes@fremont.gov</i>

*RECOMMENDATION:*

- 1. Adopt the Resolution of Local Support for STP/CMQ funding in the amount of \$3,138,000.*
- 2. Appropriate the amount in STP/CMAQ funding approved by MTC in the amount of \$3,138,000 to 522PWC8234, the 2011 Citywide Asphalt Overlay Project, City Project.*

**2.5 CONTRACTS FOR PUBLIC HEALTH PROMOTER PROJECT**

*Authorization to Contract with the Alameda County Public Health Department for the Health Promoter Project and to Subcontract with the Afghan Elderly Association, a Nonprofit Organization*

*Contact Person:*

<i>Name:</i>	<i>Karen Grimsich</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>AFS Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2062</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>kgrimsich@fremont.gov</i>	<i>sshenfil@fremont.gov</i>

*RECOMMENDATIONS:*

- 1. Authorize the City Manager or his designee to execute the FY 2010/11 agreement with the Alameda County Public Health Department in the amount of \$119,250 for the Health Promoter Project and to enter into a subcontract with the Afghan Elderly Association in the amount of \$98,900.*
- 2. Reduce Fund 192 appropriation by \$39,750 to align with the actual contract amount.*

**2.6 RESOLUTION OF LOCAL SUPPORT FOR GRANT FUNDING FOR THE MIDTOWN STREETScape CATALYST PROJECT**

*Authorize a Resolution of Local Support for Application for \$1.6 Million in Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) Funding for the Midtown Streetscape Catalyst Project*

*Contact Person:*

<i>Name:</i>	<i>Dan Schoenholz</i>	<i>Jill Keimach</i>
<i>Title:</i>	<i>Policy and Special Projects Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4438</i>	<i>510-494-4767</i>
<i>E-Mail:</i>	<i>dschoenholz@fremont.gov</i>	<i>jkeimach@fremont.gov</i>

**RECOMMENDATION:**

1. *Adopt the enclosed Resolution of Local Support*
2. *Authorize the City Manager to execute agreements (a) with MTC to implement the grant, and (b) with Urban Housing to facilitate coordination between the public project and the private development including allocation of responsibilities for funding, design and construction of the public improvements.*

**2.7 ST. JOSEPH'S SURPLUS LAND SUBDIVISION - 44411 MISSION BOULEVARD (PLN2010-00198)**

*Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation of a General Plan Amendment For a 3.7-Acre Portion of a 5.5-acre Site From Private Open Space to Low Density Residential, 3 to 5 Dwelling Units Per Acre, and Rezoning From O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District), in conjunction with a Planned Unit Development, Vesting Tentative Tract Map 8042, a Preliminary Grading Plan and Private Street For 16 Home Lots*

**Contact Person:**

<i>Name:</i>	<i>Clifford Nguyen</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4769</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>cnguyen@fremont.gov</i>	<i>jschwob@fremont.gov</i>

**RECOMMENDATION:** *Continue to October 12, 2010 and direct the City Clerk to republish the appropriate public hearing notice.*

**2.8 LAM & YOUNG GPA (PLN2010-00104)**

*Public Hearing (Published Notice) to Consider Planning Commission Recommendation to Approve: a General Plan Amendment from Low Density, 2.5-3.5 units per acre, to Low Density, 3-5 units per acre; Introduce an Ordinance Rezoning from Single-Family Residence R-1-20(HOD)(H-I)/R-1-20(HOD)(H-I)(F-W) to Single-Family Residence R-1-10(HOD)(H-I)/R-1-10(HOD)(H-I)(F-W); a Planned Unit Development; a Private Street; and a Vesting Tentative Parcel Map (VTPM9901) to Subdivide a 23,466 Square Foot Parcel into Two Lots Located at 43116 Mission Boulevard/111 Telles Lane in the Mission San Jose Planning Area*

**Contact Person:**

<i>Name:</i>	<i>Jennifer Brame</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4554</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>jbrame@fremont.gov</i>	<i>jschwob@fremont.gov</i>

**RECOMMENDATION:**

1. *Hold public hearing.*
2. *Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program,*

*as shown in Exhibit “A” and find this action reflects the independent judgment of the City of Fremont.*

- 3. Find that the General Plan Amendment, Rezoning, Planned Unit Development, and Private Street (PLN2010-00104), as shown in Exhibits “B,” “C,” “D,” and “E,” respectively, are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Land Use, Natural Resource, and Health and Safety Chapters, as enumerated within the staff report.*
- 4. Find that the proposed subdivision (Vesting Tentative Parcel Map 9901), as shown in Exhibit “E,” is consistent with the designations, goals, and policies of the City of Fremont’s General Plan, and that none of those findings requiring denial of Vesting Tentative Parcel Map 9901 can be made in this instance as set forth in Exhibit “F.”*
- 5. Approve the Planned Unit Development, Private Street, and Vesting Tentative Parcel Map (PLN2010-00104) as shown in Exhibits “D” and “E,” respectively, subject to findings and conditions in Exhibit “F.”*
- 6. Waive full reading and introduce the draft ordinance rezoning the property.*
- 7. Adopt the draft resolution amending the General Plan.*
- 8. Direct staff to prepare and the City Clerk to publish a summary of the ordinance rezoning the property.*
- 9. Approve relocation of the 30-inch Canary Island Palm from the corner of Telles Lane to the landscape planter on the south side of Telles Lane.*

**2.9 EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA)  
PROJECT OPERATING AGREEMENT**

*Consider and Adopt a Resolution Approving a Project Operating Agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and Authorizing the City Manager, or Designee, to Execute Implementing Documents and Appropriate \$1,458,150 to Fund 599 for PWC 8673 for the One-Time Service Payment of the City’s Portion of the Total Debt and Adopt a Resolution of Intention to Reimburse this Amount with COP Proceeds*

**Contact Person:**

<i>Name:</i>	<i>Maya Williams</i>	<i>Marilyn Crane</i>
<i>Title:</i>	<i>Management Analyst II</i>	<i>Director</i>
<i>Dept.:</i>	<i>City Manager’s Office</i>	<i>Information Technology Services</i>
<i>Phone:</i>	<i>510-284-4013</i>	<i>510-494-4802</i>
<i>E-Mail:</i>	<i>mwilliams@fremont.gov</i>	<i>mcrane@fremont.gov</i>

**RECOMMENDATION:**

- 1. Authorize the City Manager or designee to negotiate and execute an agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and to execute implementing documents, subject to City Attorney approval.*
- 2. Appropriate \$1,458,150 to Fund 599 PWC 8673 for the one-time service payment from the execution and implementation of the Project Operating Agreement for*

- the City's portion of the total debt.*
3. *Adopt a resolution expressing official intent to reimburse the Service Payment from the proceeds of a future issuance of certifications of participation.*

**3. CEREMONIAL ITEMS**

- 3.1 Proclamation: Recognition of the California Youth Energy Services Program

**4. PUBLIC COMMUNICATIONS**

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY**

- 6.1 Report Out from Closed Session of Any Final Action

**7. OTHER BUSINESS**

- 7.1 REPORT ON THE STATUS BY PG&E OF NATURAL GAS PIPELINES IN THE CITY OF FREMONT

**8. COUNCIL COMMUNICATIONS**

- 8.1 Council Referrals – None.
- 8.2 Oral Reports on Meetings and Events

**9. ADJOURNMENT**







REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

SEPTEMBER 28, 2010



**\*2.3 Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Adopting an Amendment to the Consolidated Amended and Restated Redevelopment Plan for the Fremont Merged Redevelopment Project (Including Irvington, Niles, Centerville, and Industrial Areas) Pursuant to Health and Safety Code Section 33333.6(e)(2)(D), and Amending Related Ordinances in Connection Therewith**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance.

**\*2.4 RESOLUTION OF LOCAL SUPPORT FOR FEDERAL GRANT FUNDING FOR THE 2011 CITYWIDE ASPHALT OVERLAY PROJECT**

**Authorize a Resolution of Local Support for Application to the Metropolitan Transportation Commission for Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMQ) Funding for the 2011 Citywide Asphalt Overlay Project, City Project No. PWC (8234-L)**

**Contact Person:**

Name:	Connie Wong	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4782	510-474-4748
E-Mail:	cwong@fremont.gov	nhughes@fremont.gov

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**Executive Summary:** The purpose of this report is to request that Council adopt a Resolution of Local Support to the Metropolitan Transportation Commission (MTC) authorizing the filing of an application for STP/CMQ funding in the amount of \$3,138,000, committing the necessary non-federal match, stating the assurance to complete the project. Staff is also requesting to appropriate the funds to be received in the amount of \$3,138,000 to the 2011 Citywide Asphalt Overlay Project, City Project No. PWC (8234-L).

**BACKGROUND:** In March 2010, the MTC and the Alameda County Transportation Commission (Alameda CTC), formerly known as Alameda County Congestion Management Agency, issued a call for applications for Cycle 1 of the anticipated Surface Transportation Authorization Act for STP/CMQ funding for the Local Streets and Roads Program. The City responded by submitting an application for STP/CMQ funds by the required deadline. One of the requirements for the City to receive these funds is for the Council to adopt the attached Resolution of Local Support to MTC authorizing the filing of an application for the STP/CMQ funding, committing the necessary non-federal match and stating the assurance to complete the project.

The City's share of these funds was determined to be \$2,941,000. In addition, the Alameda CTC has asked the City to execute a fund exchange agreement that will provide the City with additional federal STP/CMQ funds in the amount of \$197,000 in exchange for 90% or \$179,090 in local funds. This fund exchange program allows member agencies of the Alameda CTC to exchange local and federal funds. This benefits larger cities like Fremont because in exchange for local funds they receive a slightly higher amount of federal funds to construct a project. This benefits smaller cities because, although they are eligible for the federal funding, they may be unable to comply with the administrative requirements to qualify for it; the exchange allows them to exchange their share of federal funding for a slightly reduced amount of additional local funding. The fund exchange program allows the Alameda CTC to utilize all of the federal funds allocated to the County. Staff will return to Council at a later date for approval of this exchange agreement. The City's allocation amount of \$2,941,000 plus the fund exchange amount of \$197,000 will bring the total funding amount to \$3,138,000. This funding will allow the City to rehabilitate 2 miles of roadway and reduce future maintenance costs.

The City's required local match for this federal funding is 11.47%, or \$359,928.60. Staff recommends that this match be funded through the Citywide Asphalt Overlay Project fund balance. There are sufficient funds in the project fund balance for this local match.

**DISCUSSION/ANALYSIS:** Citywide, Fremont streets and roads have a Pavement Condition Index (PCI) of 64, which is considered fair. However, the maintenance backlog for Fremont's 493 centerlane street miles is currently \$189 million. If sufficient funding is unavailable for street maintenance, the average PCI of the network will decrease, and the deferred maintenance backlog will increase. Given this vast need, staff recommends that the entire amount of \$3,138,000 or any portion of that amount received by the City be focused on street maintenance. If street maintenance is deferred, the higher backlog will result in increased future costs as more capital intensive treatments (such as reconstruction) will be necessary where less expensive treatments (such as surface seals or overlays) are currently feasible. Staff recommends applying the full allocation to the Citywide Asphalt Overlay Project, Project No. PWC 8234-L because the City has a substantial backlog of streets that have deteriorated to the point that seal coats are not effective treatments, and yet the streets are not in need of full reconstruction.

**FISCAL IMPACT:** This funding would increase the number of streets that the City can overlay and would prevent higher costs for street maintenance in the future.

**ENVIRONMENTAL REVIEW:** The 2011 Citywide Asphalt Overlay Project is exempt from review as the repair, maintenance or minor alteration of an existing facility, (CEQA Guideline 15301 (c)). If funding is approved the project will be required to comply with NEPA.

**ENCLOSURE:** [Resolution of Local Support for STP/CMQ Funding](#)

**RECOMMENDATION:**

1. Adopt the Resolution of Local Support for STP/CMQ funding in the amount of \$3,138,000.
2. Appropriate the amount in STP/CMAQ funding approved by MTC in the amount of \$3,138,000 to 522PWC8234, the 2011 Citywide Asphalt Overlay Project, City Project.

## **\*2.5 CONTRACTS FOR PUBLIC HEALTH PROMOTER PROJECT**

### **Authorization to Contract with the Alameda County Public Health Department for the Health Promoter Project and to Subcontract with the Afghan Elderly Association, a Nonprofit Organization**

#### **Contact Person:**

Name:	Karen Grimsich	Suzanne Shenfil
Title:	AFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2062	510-574-2051
E-Mail:	kgrimsich@fremont.gov	sshenfil@fremont.gov

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**Executive Summary:** Since 2006, the Alameda County Public Health Department (ACPHD) has provided funding to the City, in partnership with the Afghan Elderly Association (AEA), to carry out a project to improve the health and mental health of Afghan seniors. ACPHD is renewing funding for this project in FY 2010/11 in the amount of \$119,250. The reduction in funding for this year is due to an overall countywide reduction in Measure A revenues, which has been used to support the project. Staff recommends the Council authorize the City Manager to execute both the FY 2010/11 agreement with ACPHD, and a subcontract with the AEA in the amount of \$98,900.

**BACKGROUND:** Since FY 2006/07, the Human Services Department has partnered with the AEA, a nonprofit organization, to carry out the Health Promoter Project to help improve the health and mental health of Afghan seniors. In each of the last four years, the Alameda County Public Health Department has provided \$159,000 in funding to this project. In anticipation of this funding, the City Council appropriated \$159,000 to Fund 192 as part of the FY 2010/11 Adopted Budget. The actual amount of the contract was dropped to \$119,250 for this fiscal year and corresponds to a reduction in staffing assigned to this project by Human Services and includes a resulting reduction in service objectives. It is recommended that Fund 192 appropriation be reduced by \$39,750 to align with the actual contract amount.

**DISCUSSION/ANALYSIS:** The primary component of the Health Promoter Project is four Afghan health promoters, who have each received over 80 hours of community health training. They conduct in-home assessments with isolated seniors, and based on client need, provide emotional support and coordinate referrals for health and social services. They also educate clients in both healthy living behaviors and chronic disease management. In group settings, they provide exercise instruction, blood pressure screening, and translation for health educators. Health promoters also collaborate with other county programs to assure Afghan elders access appropriate services. Their collaborative partners include the Alameda County Social Services Outreach Program, to process Medi-Cal applications, and the Alameda County Public Health Department Diabetes Education Program, to conduct diabetes education in Farsi.

The Human Services Department provides administrative oversight for the project and a public health nurse/case manager, who conducts initial home visits with health promoters and follow-up visits as needed. This person also conducts ongoing training, as well as group and individual supervision. The

AEA employs the four health promoters. Through a part-time project director and project assistant, the AEA also provides operational management for the project.

In the first years of the program, survey results from seniors who participated in the program indicate a significant reduction in the number of falls and an increase in the amount of time spent exercising. Ultimately, staff hopes these improvements will result in significant long-term savings to the local health system by way of decreased medical and emergency room visits.

**FISCAL IMPACT:** The Alameda County Public Health Department is providing \$119,250 in FY 2010/11 funding for the Health Promoter Program. The City Council appropriated \$159,000 to Fund 192 as part of the FY 2010/11 adopted budget. It is recommended that Fund 192 appropriation be reduced by \$39,750 to align with the actual contract amount. Staff recommends the City continue to subcontract with the Afghan Elderly Association for the program in the amount of \$98,900. The remaining funds, \$20,350 will support the City's Nurse/Case Manager.

**ENVIRONMENTAL REVIEW:** N/A

**ENCLOSURE:** None

**RECOMMENDATIONS:**

1. Authorize the City Manager or his designee to execute the FY 2010/11 agreement with the Alameda County Public Health Department in the amount of \$119,250 for the Health Promoter Project and to enter into a subcontract with the Afghan Elderly Association in the amount of \$98,900.
2. Reduce Fund 192 appropriation by \$39,750 to align with the actual contract amount.

**\*2.6 RESOLUTION OF LOCAL SUPPORT FOR GRANT FUNDING FOR THE MIDTOWN STREETSCAPE CATALYST PROJECT**

**Authorize a Resolution of Local Support for Application for \$1.6 Million in Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) Funding for the Midtown Streetscape Catalyst Project**

**Contact Person:**

Name:	Dan Schoenholz	Jill Keimach
Title:	Policy and Special Projects Manager	Director
Dept.:	Community Development	Community Development
Phone:	510-494-4438	510-494-4767
E-Mail:	dschoenholz@fremont.gov	jkeimach@fremont.gov

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**Executive Summary:** The Metropolitan Transportation Commission (MTC) established the Transportation for Livable Communities (TLC) Program to support activities encouraging pedestrian, transit, and/or bicycle trips and to spur compact development of housing, downtowns, and regional activity centers. The TLC program is funded through the federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) programs. Fremont recently applied for and was selected to receive a \$1.6 million grant to cover the cost of street improvements adjacent to a proposed high-density housing development in the Midtown District. The first step in obtaining the funds is for Council to adopt the attached Resolution of Local Support.

**BACKGROUND:** In spring 2010, the MTC and the Alameda County Congestion Management Agency (now the Alameda County Transportation Commission, or Alameda CTC) solicited funding applications for the TLC program. The guidelines called for projects supporting transit-oriented development that could also be constructed in a relatively short time frame. Successful applications would be included in the County's Surface Transportation Program/Congestion Mitigation and Air Quality (STP/CMAQ) program, to be funded by Cycle 1 of the anticipated New Federal Transportation Act.

After evaluating a number of projects, staff identified the Midtown Streetscape Catalyst Project as best meeting the parameters of the funding announcement. The project consists of streetscape improvements in the block bounded by Walnut Avenue, Liberty Street, Beacon Street, and (planned) State Street in the Midtown District. This location is within the Central Priority Development Area that the City has identified as a focal point for future growth because of its proximity to the Fremont BART station and to the Fremont Boulevard bus corridor. The City previously entitled a high-density 301-unit project at this location that is anticipated to serve as a catalyst for further development of the Midtown District. However, due to market conditions, the owner/developer of the parcel, Urban Housing Group, put their project on hold. With the acceptance of this grant, Urban Housing has agreed to construct its project in coordination with the public improvements. The public improvements project for this grant would occur only within the public right-of-way.

The City's application requested \$1.6 million to fund streetscape improvements in the vicinity of the housing development on Beacon between Liberty and California, along California and along the project frontage on Walnut Avenue. Urban Housing Group supported the City's application and agreed to provide \$400,000 in matching funds if the application is successful.



Staff was notified in June that the Midtown Streetscape Catalyst Project was recommended by the Alameda CTC staff for inclusion in the County STP/CMAQ program. The Agency's board approved this recommendation at its meeting on July 22, 2010.

**DISCUSSION/ANALYSIS:**

The first step toward receiving the funds is for the Council to adopt the attached Resolution of Local Support. The Resolution formally authorizes the MTC to include the project in its STP/CMAQ program and commits the City to the following:

- Providing matching funds of \$400,000 (funds to be provided by Urban Housing Group under a separate agreement);
- Acknowledging that cost overruns are the responsibility of the applicant (any cost overruns will be the responsibility of Urban Housing Group under a separate agreement);
- Meeting various deadlines described in the grant announcement, and;
- Completing the project as described in the application

This agenda item includes authorization to the City Manager to execute an agreement with Urban Housing to document the above interests and assign roles and responsibilities in the design and construction of the improvements funded by the grant.

It should also be emphasized that the receipt of the grant funds is contingent upon authorization and funding by the federal government of the new Federal Transportation Act.

**FISCAL IMPACT:** Receipt of the grant funds will have no direct fiscal impact on the City. However, if the grant facilitates construction of the 301-unit housing development, as expected, there should be a beneficial effect on the local economy, both in the short-term due to construction spending and in the longer-term due to the economic activity generated by new residents.

**ENVIRONMENTAL REVIEW:**

The streetscape improvements to be funded by the grant were included in the Mitigated Negative Declaration previously adopted for the Urban Housing project on March 10, 2009. No further CEQA review is required.

**ENCLOSURE:** [Resolution of Local Support](#)

**RECOMMENDATION:**

1. Adopt the enclosed Resolution of Local Support
2. Authorize the City Manager to execute agreements (a) with MTC to implement the grant, and (b) with Urban Housing to facilitate coordination between the public project and the private development including allocation of responsibilities for funding, design and construction of the public improvements.

**\*2.7 ST. JOSEPH'S SURPLUS LAND SUBDIVISION - 44411 Mission Boulevard (PLN2010-00198)**

**Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation of a General Plan Amendment For a 3.7-Acre Portion of a 5.5-acre Site From Private Open Space to Low Density Residential, 3 to 5 Dwelling Units Per Acre, and Rezoning From O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District), in conjunction with a Planned Unit Development, Vesting Tentative Tract Map 8042, a Preliminary Grading Plan and Private Street For 16 Home Lots**

**Contact Person:**

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E-Mail:	cnguyen@fremont.gov	jschwob@fremont.gov

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**Executive Summary:** The applicant requested a continuance to October 12, 2010.

**ENCLOSURE:** None

**RECOMMENDATION:** Continue to October 12, 2010 and direct the City Clerk to republish the appropriate public hearing notice.

**\*2.8 LAM & YOUNG GPA (PLN2010-00104)**

**Public Hearing (Published Notice) to Consider Planning Commission Recommendation to Approve: a General Plan Amendment from Low Density, 2.5-3.5 units per acre, to Low Density, 3-5 units per acre; Introduce an Ordinance Rezoning from Single-Family Residence R-1-20(HOD)(H-I)/R-1-20(HOD)(H-I)(F-W) to Single-Family Residence R-1-10(HOD)(H-1)/R-1-10(HOD)(H-I)(F-W); a Planned Unit Development; a Private Street; and a Vesting Tentative Parcel Map (VTPM9901) to Subdivide a 23,466 Square Foot Parcel into Two Lots Located at 43116 Mission Boulevard/111 Telles Lane in the Mission San Jose Planning Area**

**Contact Person:**

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**Executive Summary:** The project applicants have requested a General Plan Amendment, Rezoning, Planned Unit Development, Private Street, and Vesting Tentative Parcel Map to facilitate subdivision of a 23,466 square foot parcel with an existing single family residence into two lots. The Historical Architectural Review Board (HARB) reviewed the project on July 1, 2010, and unanimously found it to be compatible with the Mission San Jose Historical Overlay District (HOD). On August 26, 2010, Planning Commission conducted a public hearing for the project and recommended City Council approve the project with a vote of 6-0-0-0.

**BACKGROUND:** The project site is a 23,466 square foot parcel that is generally flat with an approximate 7 percent east-west slope. The parcel has an irregular rectangular shape, having a longer easterly boundary (of 130 feet) than westerly boundary (of 100 feet). The site is located at the southeast corner of the Mission Boulevard/Telles Lane intersection. Telles Lane is a private street with minimal improvements. Mission Boulevard is an arterial roadway with a posted speed of 35 miles per hour in this location.

The site is developed with a single-story residence constructed in 1954 located approximately 125 feet east of Mission Boulevard. The portion of the site not occupied by the existing residence is unimproved and covered with disturbed annual grassland, weeds, and ornamental trees. The site's Telles Lane and Mission Boulevard frontages are enclosed with a triple rail, wood corral-type fence. Behind the corral fence, a mature row of cedar trees screens the existing residence from Mission Boulevard. Access to Mission Creek is unobstructed (i.e., no fence) from the rear of the site. Flanking both sides of the creek, but not on the project site, are rows of mature Canary Island palms approximately 40 feet in height that create dense shade.

Telles Lane, a sparsely improved private street with asphalt paving and intermittent asphalt curb (on the northside only), provides access from Mission Boulevard to 11 parcels, 7 of which are developed with single-family residences. Access over Telles Lane consists of a number of easements shared among the abutting property owners that have been recorded over the street from the late-1940's. Generally,

properties on the north side of Telles Lane have granted access to all Telles Lane property owners. Access over the south side of Telles Lane has generally been granted from each individual property owner to the abutting parcel to the east. Overhead and underground utility lines serve Telles Lane residences. The existing street width varies from approximately 15 feet at Mission Boulevard to 35 feet at the rear (easterly) end of the street.

The entrance to Telles Lane is demarcated by a stately 30-inch Canary Island date palm located on the right side of the entrance to this neighborhood. To persons unfamiliar with the access easements encumbering this street, it appears the palm is located in a median at the Telles Lane entrance given the driveway to the right of the tree. However, this palm is located on the Lam & Young project site. Only the project applicant and the parcel directly east have legal easements to traverse the driveway to the right (south) of the palm. Legal access to Telles Lane for all other persons is provided by the narrow entrance to the left (north) of the palm. The palm is bounded on the north (left) by the triple rail wood fence that extends east to the rear of the project site. The informal, un-manicured vegetation on Telles Lane and lack of improvements connotes an informal semi-rural feeling in this small neighborhood.

Ingress to Telles Lane from Mission Boulevard is uncontrolled (with no turn pocket, stop sign, or other device to control vehicular turning movements). Egress onto Mission Boulevard from Telles Lane is also uncontrolled. In addition, site distances to the north (right) on Mission Boulevard when exiting Telles Lane are somewhat obscured due to thick vegetation along the Mission Boulevard frontage. Site distances to the south (left) on Mission Boulevard are unobstructed.

Telles Lane is known to be the original driveway to the Telles House, a large two-story Craftsman style home located at the eastern end of Telles Lane. This house was constructed in 1911 for Berkeley resident John McCarthy and was acquired by Manuel Rose Telles in 1919. At that time, the Telles property included approximately 25 acres bounded by Mission Creek, Mill Creek Road, and Mission Boulevard (then Mission San Jose-Niles Road). The Telles family began subdividing the property in the 1950's. In the mid-1970's, three of the Telles Lane property owners joined to subdivide their interests to create the Guadalupe Terrace subdivision (Tract Map 3577), which wraps around Telles Lane to the north and east (depicted in aerial photo). The Guadalupe Terrace subdivision created 32 parcels, including lots on the north side of Telles Lane.

In 2008, the owners of the vacant parcel located north of the project site (on Telles Lane) received approval to split the lot (into two parcels) and complete improvements to Telles Lane. These improvements include installation of curb, gutter, and sidewalk on the northside of Telles Lane, repaving and widening the street to 20 feet, improving the Mission Boulevard/Telles Lane intersection by removing and relocating the Canary Island palm to the Lam and Young property (who own the tree), and removing the median in Telles Lane. The applicant of the adjacent 2008 project is working with staff to finalize the subdivision and street improvement plans. As such, these Telles Lane improvements have not yet been installed.

The project site is located in an area of Fremont that is rich in historical resources, including Mission Creek, the Mission San Jose complex, and the Palmdale Estate/Convent of the Sisters of the Holy Family, all of which are Fremont Register Historic Resources. The project site itself is also located within the Mission San Jose Historical Overlay District (HOD). The purpose of an HOD is to identify areas of the City that possess unique historical character, as well as to retain, enhance, promote and

expand the cultural and historical identities, character and environments through standards and guidelines. Because the project is located in the HOD, HARB had review authority over a portion of the requested entitlements.

An evaluation of the setting and character-defining features of the project site and the existing residence was completed by the City's historical consultant, Bruce Anderson, on March 25, 2010. This evaluation also assessed if the site had the potential to be historically significant. The existing single-story residence was constructed in 1954. The residence has common postwar period construction and materials. It is not historically significant and no character-defining features were found on the site. This evaluation did find, however, that important character-defining features of historical significance exist near the project site, including: ca. 1925 bridge on Mission Boulevard that spans Mission Creek; the Canary Island palms that line each side of Mission Creek; the Washingtonia palms that line Mission Boulevard from Mill Creek Road to Monticello Terrace; and the ca. 1880 gardens of the Palmdale Estate located directly across Mission Boulevard. The project does not alter any of these features.

On July 1, 2010, the Historical Architectural Review Board reviewed the compatibility of the proposed project with the Mission San Jose Historical Overlay District (HOD), as required by FMC Section 8-21847, *Standards of Review* of projects within an HOD. HARB unanimously found the project conformed within the Mission San Jose HOD (see Informational Item 4).

On August 26, 2010, the Planning Commission conducted a public hearing for the project and recommended that City Council approve the project with a vote of 6-0-0-0 (see Informational Item 5).

**PROJECT DESCRIPTION:** The project applicant has proposed to subdivide an existing 23,466 square foot parcel into two lots. The proposed new parcel created from the subdivision (i.e., Parcel 1) would be located between Mission Boulevard and the existing residence. The existing residence (located on Parcel 2) would be retained.

To complete the subdivision, the applicant has requested the following entitlements.

- *General Plan Amendment (GPA)* to change the land use designation from Residential Low 2 to 3.5 units per acre to Residential Low 3 to 5 units per acre.
- *Rezoning* to change the applicable zoning district from Single-Family Residence R-1-20(HOD)(H-I)/R-1-20(HOD)(H-I)(F-W) to Single-Family Residence R-1-10(HOD)(H-I)/R-1-10(HOD)(H-I)(F-W).
- *Planned Unit Development (PUD)* to allow lot width and area to be less than that required by the proposed zoning district for proposed Parcel 2. The proposed PUD would limit building construction on both parcels to single-story residence with a maximum height of 17 feet with no habitable area above the first floor, as well as restrict the maximum lot coverage/floor area to 30% of the net lot area. The building setbacks are also fixed with the PUD. Most of the setbacks are consistent with the minimum required by the proposed R-1-10 zoning district, excepting the Mission Boulevard streetside setback, which is five feet greater than otherwise required (i.e., 17½ feet instead of 12½ feet).
- *Private Street* to improve the Telles Lane frontage including: repaving the 10-foot wide by 174.47-foot liner length of the parcels' Telles Lane frontage; installation of curb and gutter on the project (south) side of Telles lane; relocation of the existing 30-inch Canary Island palm from the center

median in Telles Lane to the westerly side of proposed Parcel 1's Telles Lane frontage; planting of one (1) 24-inch box Hawthorne and two (2) 24-inch box Almond street trees; and planting of Manzanita ground cover. The applicant has requested to modify the private street improvements to not include street lights or sidewalks.

- *Vesting Tentative Parcel Map 9901* to subdivide the 23,466± square foot parcel into two lots. Parcel 1 would be 11,884 gross square feet in area and 10,034 net square feet in area (generally be 93 by 108 feet). Parcel 2 would be 11,582 gross feet in area and 10,009 net square feet in area (generally 81 by 123 feet). As part of the subdivision, the Mission Boulevard frontage would be improved, including: installation of curb, gutter, and a five-foot sidewalk; planting of two new street trees; and planting of Manzanita ground cover. Additionally, 4-inch PVC storm drain would be installed along the rear (south) and street side (west) property lines of Parcel 1 within a new private storm drainage easement to get stormwater from Parcel 2 to the public storm drainage system in Mission Boulevard. A second 4-inch storm drain would be installed across the front (north) of Parcel 1 to further aid in getting stormwater from Parcel 2 to the public system. The 4-inch storm drain would connect Mission Boulevard storm drainage facilities via two new curb drain grates located on the Parcel 1 street side (west) frontage.

The proposed project does *not* include any new building construction (i.e., no new residence and no addition to the existing residence).

## **DISCUSSION/ANALYSIS:**

### **General Plan Conformance**

The existing General Plan land use designation for the project site is Residential Low 2 to 3.5 units per acre. To achieve the proposed splitting of the lot into two parcels, the applicant has requested a land use designation change to Residential Low 3 to 5 units per acre. If approved by the City Council, the project would be consistent with the proposed General Plan land use designation for the project site because it would result in a density of 3.7 units per acre. The following General Plan goals and policies are applicable to the proposed project:

**LAND USE GOAL LU-1:** New housing development while conserving the character of the City's existing single-family residential neighborhoods.

*Analysis:* The proposed PUD includes restrictions to building height to single-story with a maximum height of 17 feet and no habitable area above the first floor. This restriction ensures that massing of future construction on the proposed lots would be limited so as to not overwhelm the character and open feeling of this semi-rural neighborhood. In addition, the additional five feet of street side setback from Mission Boulevard provides greater visual separation between a future residence and the street, as well as preserve the row of mature cedar trees. This visual separation furthers retention of the informal semi-rural feel of this neighborhood.

**Policy LU-1.11:** Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques

*Analysis:* The Telles Lane neighborhood provides a transition from the suburban single-family development to the north to the Mission San Jose complex to the south. The project site abuts the R-1-10 district on the north side of Telles Lane. The proposed rezoning of the site to R-1-10 would result in comparable lot sizes as those directly north of the project site (i.e., northside of Telles Lane). Further, the proposed PUD and private and public street improvements have been designed to maintain this transition function. The additional setback from Mission Boulevard provides a greater visual separation between it and a future residence, as well as preserves the row of mature cedar trees, thereby helping to retain the informal semi-rural feel of neighborhood. The addition of sidewalk on Mission Boulevard facilitates safe pedestrian movement along the site frontage. The minimal Telles Lane improvements provide adequate emergency access to the neighborhood and stormwater drainage, while retaining the dark night sky feeling and semi-rural street character typified by the lack of sidewalk (on the project side of Telles Lane).

Policy LU-1.18: Single family detached homes shall be proportional to their lots.

*Analysis:* The proposed PUD building height, floor area/lot coverage, and setback restrictions would result in single-family detached homes that are proportional to the proposed lot sizes. The proposed standards (i.e., R-1-10 district minimums and additional PUD restrictions) would facilitate home construction with appropriate separations from adjacent lots, similar to existing development on Telles Lane. Further, because only single-story construction would be allowed, homes on these proposed parcels (existing and future) would have less massing/bulk than other two-story residences on Telles Lane to the east of the project site.

Policy NR-1.1.1, Implementation 2: Riparian Corridors are roughly identified in [General Plan] Figure 9-3. Concurrent with the development application the extent and characteristics of riparian corridors shall be carefully assessed to a minimum distance of 100 feet from the center of the creek bed, except in the Hill Area as defined by the Hill Initiative of 2002, where the distance shall be 200 feet. Environmental assessments of these areas shall consider the full spectrum of habitat needs for flora and fauna for their life cycle. Any development plans for areas that may affect the riparian corridor shall provide for maximum retention of natural plant formations and natural topographic features such as drainage swales and streams.

*Analysis:* A biological survey was completed on April 16, 2010 by LSA Associates to determine the project's conformance and impact on this General Plan policy. The biological survey found the site contains no native riparian vegetation and does not support any special-status plant or wildlife species. The site contains no areas subject to the jurisdiction of the US Army Corps of Engineers, Department of Fish and Game, or Regional Water Quality Control Board. The closest jurisdictional feature is Mission Creek, the flow line of which is located approximately 25 to 30 feet south of the southern (rear) property line. There are no wetlands on the site, and Mission Creek is located on the adjacent parcel. The project would not result in any modification to Mission Creek or affect its use as a movement corridor by wildlife species. No adverse impacts on biological resources either on the project site or the off-site Mission Creek corridor would result from the project. The project conforms with this General Plan policy.

Policy HS-8.1.1: New residential development projects shall meet acceptable exterior noise level standards... The maximum acceptable noise level in residential areas is an Ldn of 60 dB. This level shall guide the design and location of future development, and is a goal for the reduction of noise in existing development. A 60 Ldn goal will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). ... When the City determines that providing an outdoor Ldn of 60 dB or lower cannot be achieved after the application of feasible mitigations, an Ldn of 65 may be permitted at the discretion of the City Council.

*Analysis:* An Environmental Noise Assessment was completed by Charles M. Salter Associates, Inc. This study found that the at the proposed Mission Boulevard streetside setback (17.5 feet from Mission Boulevard public/private property line), the recurring maximum noise levels reached up to 86 and 87 dBA, and the maximum measured Ldn measured 72 dB.

At approximately 140-feet east of the Mission Boulevard centerline (i.e., generally at the proposed boundary between Parcel 1 and Parcel 2), the recurring maximum noise level reached up to 73 and 74 dBA, and the maximum measured Ldn measured 60 and 61 dB. As a result, the rear yard area of Parcel 2 (with the existing residence) achieves the General Plan goal of an outdoor noise level of 60 dB Ldn. In order for the majority of the rear yard area of proposed Parcel 1 to achieve the outdoor Ldn of 60 dB, a 9-foot noise barrier (e.g, wall) extending from the future residence to the rear property line and east along the rear property line for approximately 65 feet is necessary. If the Ldn 65 dB goal was applied, a lower height of a 6-foot noise barrier (e.g., wall) extending from the future residence to the rear property line and east along the rear property line for approximately 25 feet, is necessary. If it determined by City Council that only a portion of the rear yard area needs to achieve the Ldn of 65 dB, than the project could proceed with no noise barrier. City staff recommends construction of the 6-foot wall to provide a desirable rear yard environment with minimum aesthetic concerns. Condition 2 (Mitigation Measure 2) ensures conformance with this General Plan policy would be achieved. As described above, the project conforms with the proposed General Plan designation and applicable goals and policies.

### **Zoning Regulations**

The majority of the project site is zoned Single-Family Residential, R-1-20(HOD)(H-I). A portion of the rear (southerly portion) of the site abutting Mission Creek is overlain with the floodway (F-W) combining district. The project applicants have requested that the zoning be changed to R-1-10(HOD)(H-I). As set forth in Fremont Municipal Code (FMC) Section 8-2601 (R-1 District), subdivision of parcels into single-family lots with a minimum lot area of 10,000 square feet is allowed in the R-1-10 district subject to a subdivision application. As demonstrated in Table 1, the project conforms to the basic R-1-10 requirements.



**Table 1: R-1-10 District Conformity**

<b>R-1-10 Standard</b>	<b>Minimum Required</b>	<b>Proposed Gross (with street)</b>	<b>Proposed Net (without street)</b>	<b>Conforms?</b>
<i>Lot Area:</i>				
-Parcel 1	10,000 square feet	11,884 square feet	10,034 square feet	Conforms.
-Parcel 2	10,000 square feet	11,582 square feet	10,009 square feet	Conforms.
<i>Lot Width:</i>				
-Parcel 1	80 feet	92.5 feet	92.5 feet	Conforms.
-Parcel 2	80 feet	81.15 feet	81.45 feet	Conforms.
<i>Lot Depth:</i>				
-Parcel 1	100 feet	108.41 feet	128.41 feet	Conforms.
-Parcel 2	100 feet	123.38 feet	143.38 feet	Conforms.

**Hillside Combining District.** The Hillside Combining District (H-I) ensures for orderly development of the City's hillside areas, which have particular problems that constrain development. The project site is also subject to the requirements of Measure A, a hillside development control initiative enacted by the Fremont voters in 1981, that applies to all parcels located north of Mission Boulevard in the vicinity of the project site.

Per FMC Section 8-21822, the H-I district requires that residential lot width and area be increased 2 percent for each 1 percent of width or area when the parcel slope exceeds 6 percent. Parcel slope is calculated after subtracting the required front, side, and rear yard setback areas (FMC Section 8-21823).

**Table 2: H-I Combining District Conformity**

<b>Standard</b>	<b>Parcel Slope</b>	<b>R-1-10 Required (Minimum)</b>	<b>Increase for Slope &gt;6%</b>	<b>H-I Required (Minimum)</b>	<b>Proposed Net (without street)</b>	<b>Conforms?</b>
<i>Lot Area:</i>						
-Parcel 1	3.0%	10,000 SF	none	10,000 SF	10,034 SF	Conforms.
-Parcel 2	8.0%	10,000 SF	+400 SF	10,400 SF	10,009 SF	No; Requested PUD.
<i>Lot Width:</i>						
-Parcel 1	3.0%	80 feet	none	80 feet	80 feet	Conforms.
-Parcel 2	8.0%	80 feet	+3 feet	83 feet	81.15 feet	No; Requested PUD.

As demonstrated in Table 2, proposed Parcel 1 has an average slope of 3%. As such, the standard lot width and area requirements of the proposed R-1-10 district are applicable. Table 2 demonstrates that Parcel 1 conforms to the R-1-10 lot width and area requirements. Proposed Parcel 2 has an average slope of 8%. As such, the minimum net lot area must be increased from 10,000 square feet to 10,400 square feet, and the minimum lot width must be increased from 80 feet to 83.2 feet. Proposed Parcel 2 has a net lot area of 10,009 square feet (3.75% less than required) and a lot width of 81.15 feet (2.46% less than required). The applicant has requested a Planned Unit Development (PUD) to allow for these variations.

***Planned Unit Development (PUD).*** The applicant has requested a PUD to allow for variations in the lot width and area requirements resulting from application of the H-I Combining District standards (FMC Section 8-22800). The proposed PUD includes restrictions on future development on both parcels as a means to balance the lot width and area variations. The proposed PUD would reduce future construction on both parcels to single-story structures with a maximum height of 17 feet with no habitable space above the first floor. Additionally, the Mission Boulevard streetside setback (for proposed Parcel 1) is five feet greater than required by the R-1-10 district. This five-foot increase provides additional visual space between Mission Boulevard and the future residence on this lot, as well as provides the necessary space required to protect and retain the row of mature cedar trees along the Mission Boulevard frontage.

In addition to these restrictions, staff has included Condition 1 that requires proposals for construction of new residences on these lots to be subject to Historical Architectural Review Board (HARB) design review and approval, and additions to existing residences would be reviewed and approved by the Community Development Director. HARB is identified as the reviewing body for architectural design to ensure compatibility with the Mission San Jose Historical Overlay District (discussed below) and the unique semi-rural character of the Telles Lane neighborhood. In response to concerns voiced by the Telles Lane neighbors, the intent of Condition 1 is to ensure that the design of future residence(s) or additions are appropriate as the entry to the Telles Lane neighborhood and as a transition to the Mission San Jose complex to the south.

***Historical Overlay District Compatibility.*** In accordance with FMC Section 8-21844, HARB reviewed the project site features and PUD zoning variations for compatibility with the Mission San Jose Historical Overlay District (HOD) on July 1, 2010.

The HOD requires that development within the area preserve, enhance, promote, and expand the unique cultural and historical identity of the area. For the Mission San Jose HOD, the most identifiable historic resource is Mission San Jose, one of the 21 California Missions, and the neighborhood and historical resources surrounding the Mission. As described, the complex of buildings comprising Mission San Jose are located directly south of Mission Creek, abutting the rear of the project site. Mission Creek itself, as well as the Palmdale Estate (directly west of the project site) are also listed Fremont Register Resources.

The proposed street improvements to both Mission Boulevard and Telles Lane have been designed to meet the minimum public safety requirements (e.g., emergency vehicle access, stormwater drainage, pedestrian safety) while retaining the informal, semi-rural character of the street. Further, as described, the proposed PUD requires that the homes on the two lots be restricted to single story, that a larger than typical setback (17.5 feet) be provided from Mission Boulevard, and that HARB review new home design and the Community Development Director review additions to homes. These PUD requirements further ensure that future development on the proposed parcels would be carefully designed to integrate into the site context, including the semi-rural character of the Telles Lane neighborhood.

On July 1, 2010, HARB reviewed the proposed project for compatibility with the Mission San Jose HOD. HARB unanimously recommended that Planning Commission and City Council find the project compatible with the Mission San Jose HOD in terms of siting, massing, scale, size, material, texture and color.

**Parking.** FMC Section 8-22003 requires single-family residences with four or fewer bedrooms to provide two covered parking spaces. The existing residence on the project site (proposed Parcel 2) provides one garage parking space, which is non-conforming with the standard parking requirement. However, because the existing residence and parking was provided prior to adoption of the FMC, it does not need to conform to the standard parking requirement (FMC Section 8-22002(c)). The City's *Development Policy for Private Streets* requires each dwelling unit to provide a minimum of four off-street parking spaces, exclusive of the garage or carport. As depicted on the project plans (Exhibit "E"), proposed Parcel 2 would be improved to provide the four required guest spaces.

At the time a residence is proposed on Parcel 1, the standard required parking would be incorporated into the project.

The project would provide the minimum 24-foot roadway surface width required by the Development Policies for both *Private Streets* and *Hillside Streets*. As a result, no on-street parking will be allowed. Instead, the new curb will be painted red and posted as a fire lane. All guest parking will be accommodated on the residential property driveways (described above).

**Inclusionary/Affordable Housing.** The Affordable Housing Ordinance (FMC Section Title 8, Chapter 2, Article 21.7) is applicable to projects that result in two or more net new parcels. Because the project would result in the addition of one net new parcel, it is exempt from the Affordable Housing Ordinance requirements.

**Tree Preservation Ordinance.** There are currently 17 trees on the project subject to the Tree Preservation Ordinance. The project would preserve all existing trees on the site and relocate the 30-inch Canary Island palm at the entrance to Telles Lane. This palm would be relocated from the center of Telles Lane to the landscape planter on the southside of Telles Lane (project side). This is necessary to enable the Telles Lane entry improvements to be completed. This palm contributes substantially to the aesthetic beauty of the area and the tree has a long life expectancy. Relocation will allow this significant specimen to continue to contribute to the urban forest and the historic character of the area for the foreseeable future.

**View/Visual Resources.** The Palmdale Estate/Convent of the Sisters of the Holy Family, located directly west of the project site (across Mission Boulevard) is identified in the Fremont General Plan as a Unique Visual Resource as a Landmark Estate. The General Plan also identifies Mission Boulevard as a Scenic Route. Because the proposed Planned Unit Development (PUD) restricts future construction on the site to a single story that occupies no more than 30% of the net lot area and increases the setback distance from Mission Boulevard, potential building massing impacts on adjacent visual resources would be minimized. As a result, the character of Telles Lane and the adjacent visual resources and scenic route would be protected. Condition 1 further helps ensure these visual resources are protected by providing HARB review/approval when a future home is proposed on the site.

As described, the noise study prepared for the project identified the need for a noise barrier (i.e., a sound wall) to be constructed on proposed Parcel 1 to minimize impacts from vehicular noise on the outdoor rear yard area of the future residence. Because of the increased streetside setback (from Mission Boulevard) to 17 ½ feet, the wall could be constructed so that the existing row of cedar trees along the Mission Boulevard frontage would be preserved. The wall could also be designed as an appendage

extension from the future residence toward Mission Creek in order to minimize its visual impact as seen from Mission Boulevard. The height of the wall would vary from 9-feet to 6-feet, depending on what Council determines to be an acceptable noise level. Staff is recommending Council find the 65 dB acceptable and require the future home to include a 6-foot wall. Staff believes reducing the wall height to 6 feet and limiting it to only buffer the rear yard area were necessary (i.e., only extending from the residence toward the creek instead of enclosing the entire lot) would minimize the visual impact of the wall. The design of the wall would also be included in HARB's review of a future residence on the new lot. Through HARB review of the wall, the design, materials, and color could be carefully evaluated to ensure appropriate integration into the site and neighborhood. As such, the wall would not adversely impact the character of the Telles Lane neighborhood and surround visual resources.

***Circulation/Street Improvements.*** The proposed project is located on Mission Boulevard (with access from Telles Lane), which is an arterial street with partial street improvements along the project's frontage, including paved vehicular lanes and street lights. The part of the project site abutting Mission Boulevard lacks curb, gutter, sidewalk, and parkway planting and trees. The project would add these missing improvements to the Mission Boulevard frontage, improving pedestrian circulation in this area. The design of the Mission Boulevard street improvements is consistent with the City's capital improvement project for this area to complete these streetscape amenities.

***Development Policies for Hillside Street and Private Streets.*** As described, the project would improve an existing private street that is located within the hillside area. Two City development policies are applicable to the proposed project, being the *Hillside Streets* and *Private Streets* development policies. Both of these policies require that these roadways have a minimum surfaced width of 24 feet and overall width of 40 feet when serving six or more lots. The *Hillside Street* policy requires that all *public* streets provide street lighting at a level to protect public health, safety, and welfare in the hillside area. The *Private Street* policy requires that safety lighting be provided, as well as that no on-street parking is permitted within the minimum specified surface width. The *Hillside Street* policy also requires a four foot walkway on one-side. The *Hillside Street* policy allows the Planning Commission to approve modifications to these policies provided the modifications are in substantial conformance with the Hillside Street policies. The applicant has requested modifications to not provide street lighting and nor a walkway on the southside (project side) of Telles Lane.

The proposed Telles Lane private street improvements include: repaving the 10-foot wide by 174.47-foot linear length of the parcels' Telles Lane frontage to provide the minimum overall roadway width of 24 feet; installation of curb and gutter on the project (south) side of Telles lane; relocation of the existing 30-inch Canary Island palm from the center median in Telles Lane to the westerly side of proposed Parcel 1's Telles Lane frontage; planting of one (1) 24-inch box Hawthorne and two (2) 24-inch box Almond street trees; and planting of Manzanita ground cover. Proposal of Hawthorne and Almond trees and Manzanita ground cover in the Telles Lane frontage is consistent with what was approved in 2008 on the north side of Telles Lane.

The proposed private street improvements are consistent with that required by the City's Hillside Streets Development Policy, which allow for a sidewalk on one side of a road. The previously approved Telles Lane street improvements (in 2008) include a sidewalk on the north (opposite) side of Telles Lane. The request to not provide street lighting is also consistent with what the Commission approved in 2008 on the northside of Telles Lane (directly northeast of the project site).

The project does not provide an access easement over the new streetscape frontage for use by all Telles Lane property owners and residents. To ensure this situation is corrected, Condition 16 requires the applicant grant an access easement to all Telles Lane property owners and residents over the Telles Lane street portion of their property prior to final parcel map approval.

**Grading & Drainage.** The site slopes from an elevation of 309 at the northeast corner of Parcel 2 to an elevation of 299 at the southwest corner of Parcel 1. Future development of the site will require a grading plan with the building permit application to demonstrate that the future development will conform to the City's Grading Ordinance and the H-I Zone Development Standards.

The topography of the existing site drains to the south and west toward Mission Creek and Mission Boulevard. The surface runoff from the paved area on Telles Lane will be conveyed to Mission Boulevard then north to an existing storm water inlet which drains to ACFC Line L across Mission Boulevard to the west. Stormwater runoff from the site will be collected at the rear of the proposed parcels and conveyed to Mission Boulevard and eventually to Line L. A private storm drain easement across Parcel 1 for Parcel 2 is required to convey the water as shown on Exhibit "F."

**Geologic Hazards.** The project site is within a special study zone for earthquake induced landslides as shown on the official Seismic Hazard Zone maps, released by the State Geologist. In accordance with State law, the project will require that a geotechnical engineer prepare a seismic hazard report for earthquake induced landslides. The report must be reviewed and approved by the City and filed with the State Geologist. The project improvements and building construction will conform to the recommendations of the seismic hazard report.

**FEMA Flood Zone.** The rear of Parcels 1 and 2 along Mission Creek are located within a special flood hazard zone as defined by the Federal Emergency Management Agency (FEMA). Although a portion of the lots fall within the flood zone, no future structure will be located in this area. All new structures will need to be built with the lowest floor above the base flood elevation. In this case the base flood elevation is between 303 and 307 feet.

**Urban Runoff Clean Water Program.** The Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit requires all new development to incorporate measures to prevent pollutants from being conveyed in storm water runoff and into the public storm drain system. This project is required to comply with the NPDES permit by incorporating treatment measures into the project design.

In order to conform to the quantitative performance criteria of the Countywide NPDES permit, the project may be required to incorporate additional treatment control best management practices, to treat storm water runoff. The storm water treatment design shall be integrated into the storm drain design for the project and shall be subject to review and approval of the City Engineer prior to building permit approval.

**Utility Districts.** All utilities are available for the future development in Telles Lane.

**FISCAL IMPACT:** None. The applicants have funded processing of the requested entitlements and will be responsible for completing the parcel map improvements, including improving and maintaining the portion of the private street on their property.

**CITY FEES:** The future residence on proposed Parcel 1 will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities, and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

**ENVIRONMENTAL REVIEW:** An Initial Study (Informational Item 1) and draft Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit "A") have been prepared for this project. The environmental analysis identified concerns regarding potential significant impacts to cultural resources and noise. The draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels.

Cultural resource mitigation provides a process for managing discovery of archeological and/or paleontological resources during ground disturbing activities (e.g., stop work within 25 feet of find, contact archeologist/paleontologist, assess situation, contact affected agencies, recommend and treat discovery, monitor, record/report on discovery, and archive report in repository).

Noise mitigation addresses the potential for outdoor and indoor noise levels to exceed acceptable levels. Outdoor noise mitigation includes construction of a noise barrier (e.g., wall) extending from the future new residence to the rear property line. Indoor noise mitigation includes installing door and window assemblies that provide greater noise attenuation than standard building materials.

These mitigation measures are conditions of approval for this project and are included in the Mitigation Monitoring Program (Exhibit "A") for this project.

A Notice of Intent to Adopt a Mitigated Negative Declaration was mailed to adjacent property owners on June 16, 2010. The public comment period for draft Mitigated Negative Declaration and Initial Study ran from June 17, 2010 through July 6, 2010. No comments were received on these draft documents.

**PUBLIC NOTICE AND COMMENT:** Public hearing notification is applicable. A total of 34 notices were mailed to owners and occupants of property within 300 feet of the site and five additional notices were mailed to interested parties as a courtesy. A Public Hearing Notice was published by *The Tri-City Voice*. In addition, a courtesy sign was posted on the project site during application review. The sign was installed in November 2009 and has been posted on the site since that time.

In Fall 2009, prior to submitting this project application, the applicants met with the Telles Lane neighbors to talk about their project and address concerns. The project has been designed to incorporate neighbor concerns about retaining the semi-rural character of the neighborhood. Specifically, the request to not install street lights or a sidewalk (on the project side of Telles Lane) was articulated by the neighbors.

In December 2009, staff met with the Telles Lane neighbors to talk about the project. The neighbors voiced concerns about the potential loss of the neighborhood character by construction of a large new house on the corner of Telles Lane and Mission Boulevard, the visual impact of a sound wall along the Mission Boulevard frontage, damage or removal of the row of mature cedar trees lining the project site Mission Boulevard frontage, altering the dark nighttime skies (in the neighborhood) by installing street lights.

**ENCLOSURES:**

- [Draft ordinance rezoning the property](#)
- [Draft resolution amending the General Plan](#)
- [Exhibit A: Draft Mitigated Negative Declaration and Mitigation Monitoring Program](#)
- [Exhibit B: General Plan Amendment Land Use Diagram section](#)
- [Exhibit C: Zoning Map section](#)
- [Exhibit D: Planned Unit Development \(PUD\)](#)
- [Exhibit E: Vesting Tentative Parcel Map 9901, PUD, Private Street, and Mission Boulevard Street Improvements](#)
- [Exhibit F: Findings and Conditions of Approval](#)
- [Informational 1: Initial Study](#)
- [Informational 2: Project Justification Statement](#)
- [Informational 3: Supplemental PUD Justification Statement](#)
- [Informational 4: Draft Historical Architectural Review Board Minutes from July 1, 2010](#)
- [Informational 5: Planning Commission Minutes from August 26, 2010](#)

**RECOMMENDATION:**

1. Hold public hearing.
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, as shown in Exhibit "A" and find this action reflects the independent judgment of the City of Fremont.
3. Find that the General Plan Amendment, Rezoning, Planned Unit Development, and Private Street (PLN2010-00104), as shown in Exhibits "B," "C," "D," and "E," respectively, are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Land Use, Natural Resource, and Health and Safety Chapters, as enumerated within the staff report.
4. Find that the proposed subdivision (Vesting Tentative Parcel Map 9901), as shown in Exhibit "E," is consistent with the designations, goals, and policies of the City of Fremont's General Plan, and that none of those findings requiring denial of Vesting Tentative Parcel Map 9901 can be made in this instance as set forth in Exhibit "F."
5. Approve the Planned Unit Development, Private Street, and Vesting Tentative Parcel Map (PLN2010-00104) as shown in Exhibits "D" and "E," respectively, subject to findings and conditions in Exhibit "F."
6. Waive full reading and introduce the draft ordinance rezoning the property.
7. Adopt the draft resolution amending the General Plan.
8. Direct staff to prepare and the City Clerk to publish a summary of the ordinance rezoning the property.
9. Approve relocation of the 30-inch Canary Island Palm from the corner of Telles Lane to the landscape planter on the south side of Telles Lane.

**\*2.9 EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA)  
PROJECT OPERATING AGREEMENT**

**Consider and Adopt a Resolution Approving a Project Operating Agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and Authorizing the City Manager, or Designee, to Execute Implementing Documents and Appropriate \$1,458,150 to Fund 599 for PWC 8673 for the One-Time Service Payment of the City's Portion of the Total Debt and Adopt a Resolution of Intention to Reimburse this Amount with COP Proceeds**

**Contact Person:**

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**Executive Summary:** In July 2007, the City Council authorized the City to participate in the East Bay Regional Communications System Joint Powers Authority (EBRCSA) to build an interoperable radio communications system for cities in Alameda and Contra Costa counties. After a review of the existing disparate and aging systems used by cities in both counties, it became clear that the best solution to ensure effective communications among multiple agencies in a regional emergency was to build a single radio communications system. The new EBRCSA system will provide the critical radio communications infrastructure needed by the City to deliver essential public safety services to the community and to surrounding cities in the event of an emergency situation.

The current estimated total cost for the new system is \$69,952,910. EBRCSA has secured approximately \$39 million in funding from grants and is anticipating an additional \$13,987,000 in grant funding to be received over the next four years, leaving \$17 million to be financed. Both Alameda and Contra Costa counties have agreed to increase the size of their debt issuance to include the \$17 million needed by EBRCSA. As a result, EBRCSA needs each member agency to financially commit to participate in the debt based upon the number of radios that will operate on the new system. Agencies can elect to make a one-time payment for their share of the service debt, which is \$1,545 per radio, or pay a Service Payment in addition to the Operating Payment over the life of the 15-year bond included in Alameda and Contra Costa counties' debt issuance.

Staff recommends that the City Council 1) authorize the City Manager to negotiate agreements with the EBRCSA to own, build, and operate a P-25 compliant communications system and execute implementing documents; 2) appropriate \$1,458,150 to Fund 599, for PWC 8673 for the one-time Service Payment for the City's portion of the total debt; and 3) adopt a resolution expressing official intent regarding reimbursement of this payment with proceeds from a future issue of certificates of participation (COPs).

**BACKGROUND:** The EBRCSA was created as a Joint Powers Authority (JPA) on September 11, 2007, with the goal of developing and operating a P-25 compliant radio communications system for the public agencies within Alameda and Contra Costa counties. Currently, there are 36 member agencies consisting



of both counties, 29 cities, 4 special districts, and the University of California. The JPA Board of Directors includes 23 representatives consisting of Elected Officials, Police Chiefs, Fire Chiefs, and City Managers who are responsible for the overall development, operations, and funding of the system.

The EBRCSA system was designed by Motorola through a procurement process initiated by Alameda County. EBRCSA hired CTA Communications to complete a review of the original design and make recommendations as to the final design and provide cost information on the final build-out of the system, as well as operating and maintenance costs. At complete build-out, the EBRCSA system will be a 36-site, 2-county P-25 compliant communications system designed to provide fully interoperable communications to all public agencies within Alameda and Contra Costa counties. The new EBRCSA system will enable the City to provide essential public safety services to the community and to effectively participate in a response to a regional emergency situation.

The current estimated cost to complete the system is \$69,952,910. Representatives from both counties have been working together for over three years securing Homeland Security grant funds from the Bay Area Super Urban Area Security Initiative (SUASI), Urban Area Security Initiative (UASI), and State Homeland Security (SHSGP) and COPS grant programs to fund the infrastructure build-out.

To date, funds have been used to develop the system and purchase equipment. The West Contra Costa County cell is now complete and will be available for use when testing is complete. The East Alameda County cell is 80% complete and expected to be operational by the end of 2010. The full system is targeted to be fully operational and available to all system users prior to January 1, 2013.

The costs associated with participation in the EBRCSA are based upon the total subscriber units (radios) and the total number of users on the entire radio system. The City will utilize 910 radios by the following departments:

<b>Department/Division</b>	<b>Number of Radios</b>
CDD/Building Inspection, Community Preservation	37
CDD/Engineering, Construction	13
T&O/Building Maintenance, Fleet, Parks, Streets, Urban Forestry	157
Parks & Recreation/Boathouse, Rangers	27
Fire Department	218
Police Department	458
<b>TOTAL</b>	<b>910</b>

EBRCSA is currently finalizing the radio count for each agency that is participating in the project. At this time, it is estimated that there will be 11,000 users on the system. There may be other agencies interested in joining EBRCSA in the future. As the number of users increases, the cost per user for participation in the system will decrease; conversely, if the number of users decreases, the cost per user will increase.

**DISCUSSION/ANALYSIS:** As previously stated, the current estimate of the total project cost is \$69,952,910, with approximately \$39 million secured from grants. EBRCSA has been working with

Alameda and Contra Costa counties on a financing strategy that incorporates a combination of grants and debt financing to fund the remaining \$30,987,000. At this time, EBRCSA expects to receive \$13,987,000 in grant funding over the next four years, leaving a balance of \$17 million to be financed.

Both Alameda and Contra Costa counties are currently preparing to issue new debt to fund projects unrelated to EBRCSA. In lieu of EBRCSA independently undertaking a \$17 million financing, both counties have agreed to increase the size of their issuances to include the needed EBRCSA funds. Based on the distribution of system users, Alameda will increase its issuance by \$10,200,000 and Contra Costa will increase its issuance by \$6,800,000. EBRCSA will agree to repay the counties' debt associated with the \$17 million. The opportunity to partner with the two counties on the financing offers significant advantages to EBRCSA. The size of the issuance and credit-worthiness of the counties will result in a much lower interest rate, avoid the need to go through a rating process, reduce issuance costs, and lower costs for all participants.

In order to capitalize on the opportunity to partner with Alameda and Contra Costa counties on their respective financings, EBRCSA needs each member agency enter into an agreement that will financially commit the agency to participate based upon the number of radios that the City plans to operate on the new system.

The City Council approved the Citywide Communication System Upgrade project (PWC 8673) for a 5-year funding total of \$5.7 million during the FY 2007/08 through FY 2011/12 Capital Improvement Program. The project costs included funding to replace portable and mobile radios, dispatch consoles in the Police Department, and antennas and other fixed equipment that will continue to be used in the new EBRCSA radio infrastructure. The project was unfunded for Years 3 through 5 (\$3.5 million) during the FY 2009/10 through FY 2013/14 CIP process. The CIP has a current balance of \$304,602.65 (out of \$2.2 million). Past expenditures were for the replacement of radios used by the Police Department, matching funds for radios received by the Fire Department through the Assistance for Firefighters Grant, and the initial payment fees paid in 2007 and 2008 to EBRCSA. This remaining funding will be used to purchase mobile and portable radios for the non-public safety City departments before the new EBRCSA system goes live in January 2013.

**FISCAL IMPACT:** Cost of the debt service for EBRCSA is estimated to be \$2,066,000 annually commencing in FY 2013/14 and ending in 2028. Since the cost to each member agency will be allocated based upon the total number of subscriber radios, the City's annual cost—based on an estimated 11,000 users—would be \$170,915 per year, or \$2,563,718 over the 15 year life of the bond.

Agencies can choose to buy out their debt service, at a cost also based on the number of the subscriber radios, in one lump-sum service payment prior to County debt issuance. Based on the same number of 11,000 users, the estimated lump-sum cost per subscriber radio is \$1,545. The City's cost, therefore, to buy out the debt service is \$1,405,950. As more users join prior to December 21, 2010, when the buyout is due, this cost may be lower. In addition, during the intervening two years prior to the first debt service payment in FY 2013/14, the rate per radio will be adjusted to match the total user count. Any credit due to the City will be applied toward the City's first year's operating and maintenance costs. On the other hand any reduction in the total number of radios subscribed to the system could result in an increase in the cost per radio.

As a participating member of the JPA, the City made two annual payments as an initial investment in the system--one in FY 2007/08 and another one in FY 2008/09--to EBRCSA, based on a fee of \$100 per subscriber radio per year for the initial quantity of 649 radios that the City submitted in 2007. The proposed Project Operating Agreement includes language stating that this initial payment fee of \$200 (\$100 for each of the two years) is due for any increases in the quantity of radios as of the date the Operating Agreement is signed by the member agency. Therefore, the City owes an additional \$52,200 as an initial payment for the increase of 261 radios, bringing the total Service Payment to buy out the debt service to \$1,458,150.

Staff recommends buying out the City's debt service for this project. Issuance of certificates of participation (COPs) to fund a portion of the seismic retrofit of the Police Building is planned for later this fiscal year, and this amount can be included in that COP issuance. Staff understands the debt to be issued by Alameda and Contra Costa counties for this purpose will be 15-year fixed rate debt with an anticipated interest rate of 4%. Fremont may structure its COP issuance a bit differently, and the City has had very favorable experience in the debt markets. Accordingly, staff recommends that the Council adopt a resolution stating its intention to reimburse this cost with the proceeds of the upcoming debt issuance. The City's operating and maintenance costs associated with participation in EBRCSA, based on 11,000 users, are estimated to be \$348 per radio user for a total of \$316,680 per year with the first payment due in FY 2013/14.

**ENVIRONMENTAL REVIEW:** Not Applicable.

**ENCLOSURE:**

- [Draft resolution](#)

**RECOMMENDATION:**

1. Authorize the City Manager or designee to negotiate and execute an agreement with the East Bay Regional Communications System Authority (EBRCSA) to Own, Build, and Operate a P-25 Compliant Communications System and to execute implementing documents, subject to City Attorney approval.
2. Appropriate \$1,458,150 to Fund 599 PWC 8673 for the one-time service payment from the execution and implementation of the Project Operating Agreement for the City's portion of the total debt.
3. Adopt a resolution expressing official intent to reimburse the Service Payment from the proceeds of a future issuance of certifications of participation.

## **6.1 Report Out from Closed Session of Any Final Action**

**7.1    REPORT ON THE STATUS BY PG&E OF NATURAL GAS PIPELINES IN THE CITY  
OF FREMONT**

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events**

## ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC .....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC.....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF .....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
October 4, 2010	4-6 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
October 5, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 19, 2010	TBD	Work Session	Council Chambers	Live
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 16, 2010	TBD	Work Session	Council Chambers	Live
November 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 30, 2010 (5 <sup>th</sup> Tuesday)		No City Council Meeting		
December 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2010 – January 3, 2011		Council Recess		
January 4, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 11, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 18, 2011	TBD	Work Session	Council Chambers	Live
January 25, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live